

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1015 OF 2005

IN

APPEAL NO.1296 OF 1996

IN

SUIT NO.398 OF 1974

Mahendra Popatlal Shah .. Appellant.
V/s.
Canara Bank .. Respondent.
And
Bombay Alloys & Castings .. Defendant No.2.

Mr.M.J. Jamdar for the appellant.

Mrs.D. Shalini Shankar i/b. Shukla & Shukla for
respondent No.1.

Ms.Sumedha Rao for respondent No.2 in support.

**CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.**

DATED : 15TH JUNE, 2005.

P.C. :

The appeal is of the year 1996 and, therefore, be posted for hearing as per its seniority. This takes care of prayer (a) of the Notice of Motion.

2. Prayer (b) does not deserve to be granted by way of interim measure. The question of mesne profits can always be decided at the time of final hearing of the appeal.

3. The notice of motion is, therefore, disposed of with the aforesaid observations.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)